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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,694	05/31/2000	Rosario A. Uceda-Sosa	POU9-2000-0020-US1	4786

7590 09/17/2003  
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EXAMINER

WON, YOUNG N

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 09/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/583,694

Applicant(s)

UCEDA-SOSA ET AL.

Examiner

Young N Won

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-3 have been amended and re-examined. Claims 1-27 are pending with this action.

### ***Claim Objections***

2. Claims 1-3 are objected to because of the following informalities: Claims 1-3 states "directly connecting by said client said client to...", which is grammatically incorrect. Either "said client" needs to be deleted or there needs to be commas in the appropriate locations.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Shachar et al. (US 6209018 B1) in view of White et al. (US 5933490 A).

As per claims 1, 2, and 3, Ben-Shachar teaches a method, a system providing a means for, and a program storage device readable by a machine, tangibly embodying at least one program of instructions executable by the machine to perform a method of managing connections (see col.3, lines 2-4) between clients and servers (see Fig.1) of a distributed computing environment, said method, system, and program comprising: determining, by a client of said distributed computing environment (see Col.2, lines 11-17 and col.3, lines 5-9), that a server coupled to said client (see Fig.1), via a communications protocol that lacks individualized timeouts for individual components of said distributed computing environment (see col.2, lines 50-58), is unavailable to process requests for said client (see col.31, lines 5-10), wherein said server is a member of a group of a plurality of replicated servers (see Fig.29; col.3, lines 33-40 & 45-48; col.6, lines 15-16; and col.9, lines 12-15); and connecting said client to another replicated server of said group (see col.21, lines 64-65 and col.23, lines 3-9) wherein servers of said group lack knowledge of application-level information of a communication session of said client (see col.2, lines 7-17 and col.8, lines 16-32). Ben-Shachar does not explicitly teach that the connecting said client to another replicated server is performed directly by said client. White teaches of directly connecting by said client (see col.5, lines 38-48). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of White within the system of Ben-Shachar by implementing the user to select another replicated server

within the method, system and program of managing connections between clients and servers of a distributed computing environment because this allows for the user to have a choice as to which replicated server the user desire, or whether the user would like to proceed or cancel. In most instances, the action is automated and thus transparent to the user, but asking the user to select prior to an action being performed is not new as far as its functionality.

As per claims 4, 12, and 20, Ben-Shachar further teaches wherein the determining, is performed by a client request broker (see col.1, lines 66-67; col.2, lines 11-17; and col.3, lines 50-58).

As per claims 5-7, 13-15, and 21-23, Ben-Shachar further teaches wherein the determining, comprises causing a plurality of ping messages to be sent to the server in accordance with a dynamic ping interval (see col.18, lines 39-43 & 50-54).

As per claims 8, 16, and 24, Ben-Shachar further teaches wherein the dynamic ping interval is based on a workload level of the server (see col.18, lines 43-46).

As per claims 9, 17, and 25, Ben-Shachar further teaches wherein the determining comprises determining that a predetermined number of the plurality of ping messages, have failed (see col.18, lines 50-60).

As per claims 10, 18, and 26, Ben-Shachar further teaches wherein the connecting comprises first determining that another replicated server is available (see col.9, lines 12-15; col.28, lines 42-57; and col.30, lines 26-28). It is inherent that when clones are employed for fault tolerance (see col.30, lines 8-9) and improving throughput by workload balancing (see col.29, lines 9-10) as in the system of Ben-Shachar, a

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determination is made of another replicated server that may service the request as long as that server is registered (see col.30, line 28).

As per claims 11, 19, and 27, Ben-Shachar teaches of further comprising: routing non-idempotent client requests from another replicated server to the server if the server is still part of the group (see col.29, lines 3-10); and sending results of processing the non-idempotent client requests to the another replicated server. It is inherent that when clones are employed for fault tolerance (see col.30, lines 8-9) and improving throughput by workload balancing (see col.29, lines 9-10) as in the system of Ben-Shachar, a determination is made of another replicated server that may service the request as long as that server is registered (see col.30, line 28).

### ***Response to Arguments***

4. Applicant's arguments with respect to claim 1-3 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Young N Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 8AM-6PM.

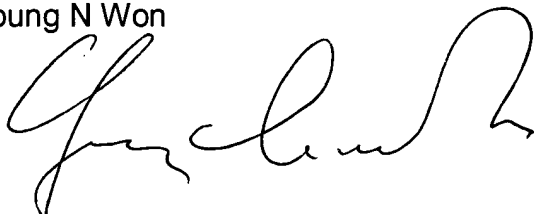
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Young N Won



September 8, 2003



**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**